

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THERESA NELLIS,

Plaintiff(s),

CASE NUMBER: 09-10191

HONORABLE VICTORIA A. ROBERTS

v.

AMERICA'S SERVICING COMPANY
and U.S. BANK N.A.,

Defendant(s).

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ORDER GRANTING PLAINTIFF'S
MOTION FOR A TEMPORARY RESTRAINING ORDER

On January 16, 2009, Plaintiff Theresa Nellis ("Nellis") filed a three-count Complaint against America's Servicing Company and U.S. Bank N.A. (Doc. #1). The Complaint alleges a violation of the Fair Debt Collection Practices Act ("FDCPA"), the Real Estate Settlement Procedures Act, and the Michigan Consumer Mortgage Protection Act. Nellis filed an "Emergency Motion for Temporary Restraining Order and Preliminary Injunction" on the same date. (Doc. #2).

The Court held a telephone conference on January 20, 2009 regarding Nellis's motion for a temporary restraining order. In attendance were Kenneth W. Demers representing Nellis, and Timothy B. Myers representing both Defendants.

After examining the four factors required to determine whether to grant injunctive relief, the Court finds, at a minimal, Nellis has a claim under the FDCPA. Nellis's motion for a temporary restraining order is **GRANTED**.

Fed. R. Civ. P. 65(c) requires Nellis to provide security to cover the costs and damages Defendants may sustain if they were wrongfully enjoined. Pursuant to stipulation by the parties, Nellis will pay \$2,436.69 per month starting February 1, 2009.

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: January 20, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on January 20, 2009.

s/Linda Vertriest
Deputy Clerk